IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.46325 of 2008
SURAJBANSH SINGH
Versus
THE STATE OF BIHAR
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2. 19.12.2008 Heard Sri Sanjay Kumar Tiwary, Advocate for the petitioner and Sri D. Mehta, APP for the State.

The court would not have, in ordinary circumstance, even thought of directing the release of the petitioner on bail, had it not been a case relating to marriage dispute between the spouses. The petitioner was directed by the court below, in the light of the direction of this court on reconciliation that he would go to the wife's house and bring her back. The petitioner filed a petition that he went to the house of the wife on 16.5.2008, but the lady did not accompany him to his house. This appears in the submission part of the petitioner's counsel before the learned Sessions Judge. That is not the issue, the issue is that the petitioner also did not appear before the court below on the date fixed for his appearance on 5.7.2008. The petitioner's non-appearance could give legitimate inference to any court that because he went to the wife's house, he could not appear before the court. But in absence of such statement before the

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court his submission to that effect appears of no consequence.

As I have indicated above, I do not want to direct the release of the petitioner. Save and except, considering one of the orders of this court in Cr. Misc. No. 6780 of 2007, I direct the release of the petitioner provisionally for two months, which shall be counted from the date the bond is accepted and the petitioner is released. In these two months the court shall seek the petitioner's appearance with the spouses on a convenient date within three weeks of the petitioner's release. The court below could accept the bond by drawing up an order to that effect that the petitioner shall go to the house of the lady and the lady could accompany him to his house. In case the lady comes with the petitioner to the court and expresses her desire that she is ready to live with the petitioner or in case also the lady comes all alone to the court and refuses to go with the petitioner, then also the court shall confirm the bond. There would not be further deliberations on the issue. In case the lady and the petitioner come together to court, the court could be fixing the last date of the period of two months, so as to evaluating the

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cementing in the relationship and shall carry on the exercise of the same nature for a period of two years, where after the court could take steps for disposal of the case.

The petitioner Surajbansh Singh could be released on bail provisionally for a period of two months on execution of a bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas at Sasaram in connection with Complaint Case No. 1231 of 2005 in the light of the early part of the present order.

DKS/ **(Dharnidhar Jha, J.)**

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